

and as to the amount to which they are entitled over and above the amount paid by said State Highway Commission; and

WHEREAS, Said dispute cannot be adjusted as between the parties and a necessity exists for the settlement thereof in a court of competent jurisdiction; now

THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, that the said G. B. White and B. White be and they are hereby granted permission and given authority to institute a suit against the State of Texas and/or against the State Highway Commission of the State of Texas, in a court of competent jurisdiction in order to determine and settle the differences, if any, between the parties arising out of and in connection with the aforesaid contract between the parties.

The crowded condition of the calendar and the importance of the subject matter of the Resolution hereinabove set forth, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read upon three separate days in each House, and the said Rule is hereby suspended, and this Resolution take effect and be in force from and after its passage, and it is so enacted.

Filed in the Department of State, April 11, 1933, with the Governor's signature.

PROPOSED CONSTITUTIONAL AMENDMENT RELATIVE
TO COUNTIES AND COUNTY BOUNDARIES.

S. J. R. No. 21.]

SENATE JOINT RESOLUTION.

A Joint Resolution proposing an Amendment to Section 1 of Article 9 of the Constitution of the State of Texas, providing that the Legislature may by two-thirds vote create new counties and change the boundaries of existing counties; providing that no county shall be created with less than an area of 900 square miles, nor shall any existing county be reduced to less than 900 square miles, unless such county shall contain a population of more than 50,000, according to the last United States census; providing for the submission of such amendment proclamation and publication thereof and making an appropriation of Five Thousand (\$5,000.00) Dollars, or so much as may be necessary to pay the expenses of such election.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. That Section 1 of Article 9 of the Constitution of the State of Texas, be amended so as to hereafter read as follows:

"Section 1. The Legislature shall have power to create

counties for the convenience of the people subject to the following provisions:

First. In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by the preexisting boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population and attached, for judicial and land surveying purposes, to the most convenient organized county or counties.

Second. Within the territory of any county or counties now existing, the Legislature may by a two-thirds vote of both Houses, create new counties, combine existing counties and parts of counties and abolish existing counties and change county boundaries at will, provided that no new county shall be created with an area of less than nine hundred square miles nor shall any existing county be reduced in area so as to contain less than nine hundred square miles, unless such new county or such remaining county, and both shall have a population of not less than fifty thousand according to the last United States census prior to the date of the creation or change of such county. When any part of a county is stricken off and attached to, or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing, of the county from which it was taken, in such manner as may be prescribed by law.

Third. No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted in such manner as may be provided by law, to a vote of the electors of both counties and shall have received a majority of those voting on the question in each."

SEC. 2. The foregoing amendment to the Constitution shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the first Tuesday after the first Monday in November, 1934. At this election all voters favoring said proposed amendment shall write, or have printed, on that ballot the words:

"For the amendment to Section 1 of Article 9 of the Constitution of Texas, providing that the Legislature may by two-thirds vote of both Houses create new counties and change the boundaries of existing counties."

Those voters opposing said proposed amendment shall write, or have printed on their ballot the words:

"Against the amendment to Section 1 of Article 9 of the Constitution of Texas, providing that the Legislature may by two-thirds vote of both Houses create new counties and change the boundaries of existing counties."

SEC. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election,

and to have same published as required by the Constitution and amendments thereto.

SEC. 4. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds of the State of Texas, not otherwise appropriated, to pay the expenses of any such election.

[NOTE.—S. J. R. No. 21 was read the third time, amended and passed the Senate, April 4, 1933, by a vote of 30 yeas, 0 nays; passed the House, April 12, 1933, by a vote of 110 yeas, 20 nays.]

Filed in the Department of State, April 14, 1933, with the Governor's signature.

DIRECTING ENROLLING CLERK OF THE HOUSE TO
AMEND CAPTION OF H. B. NO. 431.

H. C. R. No. 65.]

HOUSE CONCURRENT RESOLUTION.

WHEREAS, H. B. No. 431 has passed the House and Senate;
and

WHEREAS, "1925" was omitted in Caption of said Bill;
therefore, be it

RESOLVED by the House, the Senate concurring, That the Enrolling Clerk of the House be directed to amend the Caption of said Bill so as to conform to the body of the Bill.

Filed in the Department of State, April 15, 1933, with the Governor's signature.

CONCERNING FEDERAL TAX ON GASOLINE.

S. C. R. No. 40.]

SENATE CONCURRENT RESOLUTION.

WHEREAS, prior to the year 1932 every state in the Union and the District of Columbia had imposed a tax upon gasoline with the rates running from two cents a gallon to seven cents a gallon for State purposes; and

WHEREAS, in addition thereto the counties in some states and also cities have imposed additional taxes upon gasoline, making the gasoline tax for state and county purposes in some counties as high as nine cents a gallon; and